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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/647,410

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Michael D. Kotzin

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EXAMINER

STEIN, JULIE E

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/647,410

Applicant(s)

KOTZIN ET AL.

Examiner

Julie E. Stein, Esq.

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Claim Objections

2. Claim 10 is objected to because in line 5, it appears that "device" is missing after "communications."

3. Claim 8 is objected to because the dependency has already been changed but it is indicated that it is currently being amended.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 5, 7-13, and 15-21 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0147008 to Kallio.

Kallio discloses all the steps of independent 1, including a method in a mobile communications device (150 and paragraph 30), the method comprising: participating in a packet session (paragraphs 23 and 33); autonomously selecting a handover target (110) to which the mobile communications device may handover (Figure 5 and

corresponding description in paragraphs 53 to 59 generally, specifically par. 54); sending handover information for the handover target to a packet server (120) (paragraph 54, the handover algorithm module is in the MS 150) while in the packet session (paragraphs 23, 33, and 53 disclose that, for example, VoIP can be used in both networks, therefore the example of an ACTIVE handover would be during a packet session); receiving radio resource information from the packet server in response to sending the handover information to the packet server (paragraph 57, the MSC sends a handover command to the MS).

Kallio discloses all the steps of claim 2, including handing over to the handover target using the radio resource information received from the packet server. See paragraphs 57 to 59.

Kallio discloses all the steps of claim 3, including handing over to the handover target without requiring the mobile communications device to request a radio resource assignment from the new cell (Id., there is no communication between the MS and the handover target (110)).

Kallio discloses all the steps of claim 5, including making neighbor measurements during the packet session (paragraph 53); sending the handover information to the packet server includes sending information based on the neighbor measurements (Id. and 54).

Kallio discloses all the steps of claim 7, including participating in the packet session includes communicating voice data in the packet session (paragraph 33, VoIP);

sending the handover information to the packet server while communicating voice data in the packet session (Id. and 53).

Kallio discloses all the steps of claim 8, including, identifying a plurality of potential handover targets to the packet server (paragraph 53), receiving radio resource information from the packet server for at least one of the handover targets identified (paragraphs 57).

Kallio discloses all the steps of claim 9, including reducing interruption of the packet session during handover by using the radio resource information received from the packet server to facilitate handover to a new cell. See paragraphs 53 to 59.

The rejections of claims 1-3 and 5-9 are hereby incorporated. Kallio discloses all the steps of independent claim 10, including a method in a packet server (Figure 5, element 120) connected to a communications network (Figure 5, element 100), the method comprising: receiving information from a mobile wireless communications device (MS 150) identifying a handover target autonomously selected by the mobile wireless communications (Figure 5 and corresponding description in paragraphs 53 to 59 generally, specifically par. 54); negotiating with a radio communications network for a radio resource transfer for the handover target identified by the mobile wireless communications device (paragraphs 57 and 33), sending, from the packet server, radio resource information for the handover target identified to the mobile wireless communications device (paragraph 57, the handover command).

Kallio discloses all the steps of claim 11, including sending the radio resource information to the mobile wireless communications device after negotiating in response to receiving the handover information (paragraph 57).

Kallio discloses all the steps of claim 12, including negotiating with the radio communications network for a radio resource transfer for the mobile wireless communications device based on the handover information received from the mobile wireless communications device. See *Id.*

Kallio discloses all the steps of claim 13, including receiving handover information from the mobile wireless communications device includes receiving a plurality of handover targets identified by the mobile wireless communications device (paragraph 53), sending radio resource information to the mobile wireless communications device for at least one of the handover targets identified by the mobile wireless communications device (paragraph 54).

The rejections of claims 1-3, 5-13 are hereby incorporated. Kallio discloses all the steps of independent claim 15, including a method in a mobile communications device in a packet session (see above), the method comprising: deciding to handover to a target cell (paragraphs 53 to 59); sending handover information for the target cell to a packet server during a packet session (*Id.*); receiving radio resource information from the packet server (see above) for the target cell before handing over to the target cell (*Id.*).

Kallio discloses all the steps of claim 16, including participating in voice communications in the packet session. See above.

Kallio discloses all the steps of claim 18, including making a handover decision in the mobile communications device. See paragraph 54.

Kallio discloses all the steps of claim 19, including negotiating with the radio communications network without making a handover decision for the mobile wireless communications device. See paragraph 54.

The rejections of claims 1-3, 5-13, 15-16, and 18-19 are hereby incorporated. Kallio discloses all the steps of independent claim 20, including a method in a wireless communications network entity (Figure 5, element 120), the method comprising: receiving handover information for a potential handover target autonomously selected by a mobile wireless communications device (MS 150, paragraph 54) identifying a potential handover target (paragraphs 53 to 54); communicating handover information to the potential handover target (paragraph 56) before the mobile wireless communications device handover to the potential handover target (paragraphs 56 to 59).

Kallio discloses all the steps of claim 21, including sending, from the wireless communications network entity, radio resource information for the potential handover target to the mobile wireless communications device before the wireless communication device hands over to the potential handover target. See paragraphs 56 to 59.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kallio as applied to claims 1, 10, and 15 above and further in view of U.S. Patent Application Publication No. 2004/0213165 to Kola et al.

Kallio teaches all the steps of claims 4 and 14, except receiving radio resource information (sending) from the packet server in response to sending handover information to the packet server includes receiving at least one of frequency, slot, time-to-transfer and power information from the packet server. But, Kola teaches that allocating radio resources in a packet network includes, managing power control settings, controlling release timers of packets, and managing handovers. See paragraphs 11, 13, and 31-32. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to understand that radio resource information from a packet server includes power control settings and time to transfer settings, such as packet controlling release timers, as taught by Kola in order to fulfill the QoS requirements of the various packet traffic. See paragraphs 22 to 24.

Kallio discloses all the steps of claim 17, except receiving radio resource information from the packet server includes receiving handover timing information, reducing interruption of data communications during the packet session during hand over by making a timed transfer to the target cell using the handover timing information from the packet server. But, Kola teaches that allocating radio resources in a packet network includes, controlling release timers of packets and managing handovers. See paragraphs 11, 13, and 31-32. Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to understand that radio resource information from a packet server includes time to transfer settings, such as packet controlling release timers, as taught by Kola in order to fulfill the QoS requirements of the various packet traffic. See paragraphs 22 to 24.

Response to Arguments

8. Applicant's arguments with respect to claims 1-5 and 7-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent Nos. 7,054,290 to Djuphammar teaches a wireless terminal that establishes both HDR carrier and 1xRTT carrier communications and handover between the various networks and 7,082,114 to Engwer et al. teaches a wireless network in which a wireless unit moves between various subnets and acquires new internet protocol addresses.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie E. Stein, Esq. whose telephone number is (571) 272-7897. The examiner can normally be reached on M-F (8:30 am-5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JES

AS

JEAN GELIN
PRIMARY EXAMINER

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